

Title 16 – Building and Construction Standards

SECTION 1. Ordinance 12560, Section 67, as amended, and K.C.C. 16.04.550 are each hereby amended to read as follows:

Appendix Z, Sound transmission control - Sea-Tac sound reduction standards -

Purpose. The International Building Code is supplemented by the following appendix:

Purpose (IBC AZ 101). The purpose of these sections is to safeguard life, health, property and public welfare by establishing minimum requirements regulating the design, construction, and/or setting on site of buildings for human occupancy in the vicinity of Sea-Tac International Airport as identified on the map(~~s referenced in the April 24, 1985 Federal Register, Volume 50, No. 79~~)) attached as Appendix A of this ordinance. These sections are not intended to abridge any safety or health requirements required under any other applicable codes or ordinances.

SECTION 2. **16.82.010 Purpose.**

A. This chapter is intended to regulate clearing and removal of vegetation, excavation, grading and earthwork construction including cuts and fills, gravel pits, dumping, quarrying and mining operations within King County in order to protect public health, safety and welfare by:

1. Minimizing adverse stormwater impacts generated by the removal of vegetation and alteration of landforms;
2. Protecting water quality from the adverse impacts associated with erosion and sedimentation;
3. Minimizing aquatic and terrestrial wildlife habitat loss caused by the removal of vegetation;
4. Protecting sensitive areas from adverse clearing and grading activities;

23 5. Facilitating and encouraging long term forest practice and agricultural production
24 operations where appropriate;

25 6. Minimizing the adverse impacts associated with materials processing, quarrying and
26 mining operations;

27 7. Preventing damage to property and harm to persons caused by excavations and fills;

28 8. Establishing administrative procedures for the issuance of permits, approval of plans,
29 and inspection of clearing and grading operations; and

30 9. Providing penalties for the violation of this chapter.

31 B. This chapter establishes the administrative procedure for issuance of permits, provides
32 for approval of plans and inspection of clearing and grading operations, and provides for
33 penalties for the violation of this chapter. (Ord. 11618 § 3, 1994: 9614 § 97, 1990: Ord. 1488 §
34 2, 1973).

35 **SECTION 3. 16.82.020 Definitions.** Certain words and phrases used in this chapter,
36 unless otherwise clearly indicated by their context, mean as follows:

37 A. "Applicant" means a property owner or a public agency or public or private utility
38 that owns a right-of-way or other easement or has been adjudicated the right to such an easement
39 in accordance with RCW 8.12.090, or any person or entity designated or named in writing by the
40 property or easement owner to be the applicant, in an application for a development proposal,
41 permit or approval.

42 B. "Bench" means a relatively level step excavated or constructed on the face of a graded
43 slope surface for drainage and maintenance purposes.

44 C. "Civil engineer" means an engineer who is licensed as a professional engineer in the
45 branch of civil engineering by the state of Washington.

D. "Clearing" means the cutting, killing, grubbing or removing of vegetation or other organic material by physical, mechanical, chemical or any other similar means.

E. "Compaction" means the densification of a fill by mechanical means.

F. "Cutting" means the severing of the main trunk or stem of woody vegetation at any point.

G. "Department" means the department of development and environmental services.

H. "Director" means the director of the department of development and environmental services or the director's designee.

I. "Earth material" means any rock, natural soil or any combination thereof.

J. "Erosion" means the wearing away of the ground surface as the result of the movement of wind, water or ice.

K. "Excavation" means the removal of earth material.

L. "Fill" means a deposit of earth material or recycled or reprocessed waste material consisting primarily of organic or earthen materials, or any combination thereof, placed by mechanical means.

M. "Geotechnical engineer" means an engineer who is licensed as a professional engineer by the state of Washington and who has at least four years of relevant professional employment.

N. "Grade" means the elevation of the ground surface.

1. "Existing grade" means the grade before grading.

2. "Finish grade" means the final grade of the site that conforms to the approved plan as required in K.C.C. 16.82.060.

3. "Rough grade" means the stage at which the grade approximately conforms to the approved plan as required in K.C.C. 16.82.060.

O. "Grading" means any excavating, filling, or removing of the duff layer, or combination thereof.

P. "Grading and clearing permit" means the permit required by this chapter for grading and clearing activities, including temporary permits.

Q. "Reclamation" means the final grading and restoration of a site to establish the vegetative cover, soil surface water and groundwater conditions appropriate to accommodate and sustain all permitted uses of the proposed zone appropriate for the site.

R. "Shorelines" means those lands defined as shorelines in the state Shorelines Management Act of 1971.

S. "Site" means a single lot or parcel of land two or more contiguous lots that are under common ownership or documented legal control, used as a single parcel for a development proposal in order to calculate compliance with the standards and regulations of this chapter. For purposes of this definition:

1. "Documented legal control" includes fee simple or leasehold rights, or an easement ~~((retained at the time of transfer over lands previously owned by the holder of the easement))~~, or any combination thereof, which allows uses associated with the overall development proposal; and

2. Lots that are separated only by a public road right-of-way shall be considered to be contiguous.

T. "Slope" means inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

U. "Structural engineer" means an engineer who is licensed as a professional engineer in the branch of structural engineering by the state of Washington.

V. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts jointed together in some definite manner.

W. "Tree" means a large woody perennial plant usually with a single main stem or trunk and generally over twelve feet tall at maturity.

X. "Understory" means the vegetation layer of a forest that includes shrubs, herbs, grasses and grass-like plants, but excludes native trees.

Y. "Vegetation" means any organic plant life growing at, below or above the soil surface. (Ord. 15053 § 1, 2004: Ord. 12196 § 5, 1996: Ord. 11700 § 10, 1995: Ord. 9614 § 98, 1990: Ord. 7990 § 19, 1987: Ord. 3108 § 1, 1977: Ord. 1488 § 5, 1973).

SECTION 4. 16.82.051 Clearing and grading permit exceptions.

A. For the purposes of this section, the definitions in K.C.C. chapter 21A.06 apply to the activities described in this section.

B. The following activities are excepted from the requirement of obtaining a clearing or grading permit before undertaking forest practices or clearing or grading activities, as long as those activities conducted in critical areas are in compliance with the standards in this ((section)) chapter and in K.C.C. ((21A.24.045)) chapter 21A.24. In cases where an activity may be included in more than one activity category, the most-specific description of the activity shall govern whether a permit is required. For activities involving more than one critical area, compliance with the conditions applicable to each area is required. Clearing and grading permits are required when a cell in this table is empty and for activities not listed on the table.

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KEY																				
"NP" in a cell means no permit required if conditions are met. A number in a cell means the Numbered condition in subsection C. applies. "Wildlife area and network" column applies to both Wildlife Habitat Conservation Area and Wildlife Habitat Network	O U T O F C R I T I C A L	A R E A M I N E H A Z A R D	C O S I O N H A Z A R D	E R O S I O N H A Z A R D	F L O O D H A Z A R D	C H A N N E L M I G R A T I O N	L A N D S B U I D E H A Z A R D	A N D S M I C H A Z A R D	S E I S M I C H A Z A R D	V O L C A N I C H A Z A R D	S T E P S L O P E	H A Z A R D B U F F E R	C R I T I C A L A Q U I F E R	R E C H A R G E A R E A	W E T L A N D S A N D B U F F E R	A Q U A T I C A R E A	A N D B U I L D I N G A R E A	W I L D N E T W O R K	A N D	
ACTIVITY																				
Grading and Clearing																				
Grading	NP 1, 2	NP 1, 2	NP 1, 2				NP 1, 2	NP 1, 2				NP 1, 2								
Clearing	NP 3 NP 24	NP 3	NP 3	NP 3	NP 3		NP 3	NP 3				NP 3		NP 4 NP 23	NP 4 NP 23	NP 4 NP 23				
Covering of garbage	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5	NP 5
Emergency tree removal	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6	NP 6
Removal of noxious weeds	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
Removal of invasive vegetation	NP 7	NP 7	NP 7	NP 7	NP 7		NP 7	NP 7				NP 7	NP 8	NP 8	NP 8	NP 8	NP 8	NP 8	NP 8	NP 8
Non conversion Class I, II, III, IV-S forest practice	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9	NP 9
Emergency action	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10	NP 10
Roads																				

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	ACTIVITY																		
	Grading within the roadway	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11							NP 11
	Clearing within the roadway	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12	NP 12			NP 12	NP 12	NP 12	NP 12	
	Maintenance of driveway or private access road	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	
	Maintenance of bridge or culvert	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	NP 13, 14, 15	
	Construction of farm field access drive	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	NP 16	
	Maintenance of farm field access drive	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	NP 17	
	Utilities																		
Construction or maintenance of utility corridors or facility within the right-of-way	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 18	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	NP 19	

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KEY																		
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ACTIVITY																		
Construction or maintenance of utility corridors or facility outside of the right-of-way	NP 1, 2, 3		NP 1, 2, 3				NP 1, 2, 3	NP 1, 2, 3			NP 1, 2, 3							
Maintenance of existing surface water conveyance system	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance of existing surface water flow control and surface water quality treatment facility	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11	NP 11
Maintenance or repair of flood protection facility	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20	NP 20
Maintenance or repair of existing instream structure	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP 11	NP 11	NP	NP	NP
Recreation areas																		

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KEY																	
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ACTIVITY																	
Maintenance of outdoor public park facility, trail or publicly improved recreation area	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Habitat and science projects																	
Habitat restoration or enhancement project	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21	NP 21
Drilling and testing for critical areas report	NP 1, 2	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 22	NP 1, 2	NP 1, 2	NP 22	NP 22	NP 1, 2	NP 22	NP 22	NP 22	NP 22	NP 22	NP 22
Agriculture																	
Horticulture activity including tilling, discing, planting, seeding, harvesting, preparing soil, rotating crops and related activity	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP

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	ACTIVITY																		
	Grazing livestock	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	Construction and maintenance of livestock manure storage facility	NP 16	NP 16	NP 16	NP 16	NP 16		NP 16	NP 16			NP 16	NP 16	NP 16	NP 16	NP 16			
	Maintenance of agricultural drainage	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
	Maintenance of farm pond, fish pond, livestock watering pond	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15	NP 15
	Other																		
	Excavation of cemetery grave in established and approved cemetery	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
	Maintenance of cemetery grave	NP	NP 13	NP 13		NP 13	NP 13				NP 13		NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13
Maintenance of lawn, landscaping and gardening for personal consumption	NP	NP 13	NP 13		NP 13	NP 13				NP 13		NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	NP 13	

KEY	O	A	C	E	F	C	L	A	S	V	S	H	C	R	W	A	A	W	A
"NP" in a cell means	U	R	O	R	L	H	A	N	E	O	T	A	R	E	E	Q	N	I	N
no permit required	T	E	A	O	O	A	N	D	I	L	E	Z	I	C	T	U	D	L	D
if conditions are met.		A	L	S	O	N	D	S	S	C	E	A	T	H	L	A	T	D	
A number in a cell	O			I	D	N	S	B	M	A	P	R	I	A	A	T	B	L	N
means the	F	A	M	O		E	L	U	I	N		D	C	R	A	I	U	I	E
Numbered condition		N	I	N	H	L	I	F	C	I	S		A	G	D	C	F	F	T
in subsection C.	C	D	N		A		D	F		C	L	A	L	E	S		F	E	W
applies.	R		E	H	Z	M	E	E	H		O	N				A	E		O
"Wildlife area	I	B		A	A	I		R	A	H	P	D	A	A	A	R	R	A	R
and network" column	T	U	H	Z	R	G	H	Z	A	A	E		Q	R	E	E		R	K
applies to both	I	F	A		D	R	A		A	Z		B	U	I	A	A		E	A
Wildlife	C	F	Z	R		A	Z	A	R	D		U	F	F					
Habitat Conservation	A	E	A	D		T	A		D			F	F	E					
Area and Wildlife	L	R	R			I	A			D					B				
Habitat Network			D			O	D					R			U				
ACTIVITY																			
Maintenance of golf	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP
course	13	13	13	13	13	13	13				13	13	13	13	13	13	13	13	13

C. The following conditions apply:

1. Excavation less than five feet in vertical depth, or fill less than three feet in vertical depth that, cumulatively over time, does not involve more than one hundred cubic yards on a single site.
2. Grading that produces less than two thousand square feet of new impervious surface on a single site added after January 1, 2005. For purposes of this subsection C.2., "new impervious surface" is defined in K.C.C. 9.04.020.
3. Cumulative clearing of less than seven thousand square feet including, but not limited to, collection of firewood and removal of vegetation for fire safety. This exception shall not apply to development proposals:
 - a. regulated as a Class IV forest practice under chapter 76.09 RCW;
 - b. in a critical drainage areas established by administrative rules;
 - c. subject to clearing limits included in property-specific development standards and special district overlays under K.C.C. chapter 21A.38; or

d. subject to urban growth area significant tree retention standards under K.C.C. 16.82.156 and 21A.38.230.

4. Cutting firewood for personal use in accordance with a forest management plan or rural stewardship plan approved under K.C.C. Title 21A. For the purpose of this condition, personal use shall not include the sale or other commercial use of the firewood.

5. Limited to material at any solid waste facility operated by King County.

6. Allowed to prevent imminent danger to persons or structures.

7. Cumulative clearing of less than seven thousand square feet annually or conducted in accordance with an approved farm management plan, forest management plan or rural stewardship plan.

8. Cumulative clearing of less than seven thousand square feet and either:

a. conducted in accordance with a farm management plan, forest management plan or a rural stewardship plan; or

b. limited to removal with hand labor.

9. Class I, II, III or IV forest practices as defined in chapter 76.09 RCW and Title 222 WAC.

10. If done in compliance with K.C.C. 16.82.065.

11. Only when conducted by or at the direction of a government agency in accordance with the regional road maintenance guidelines and K.C.C. 9.04.050, creates less than two thousand square feet of new impervious surface on a single site added after January 1, 2005 and is not within or does not directly discharge to an aquatic area or wetland. For purposes of this subsection C.11., "new impervious surface" is defined in K.C.C. 9.04.020.

12. Limited to clearing conducted by or at the direction of a government agency or by a private utility that does not involve:

a. slope stabilization or vegetation removal on slopes; or

b. ditches that are used by salmonids.

13. In conjunction with normal and routine maintenance activities, if:

a. there is no alteration of a ditch or aquatic area that is used by salmonids:

b. the structure, condition or site maintained was constructed or created in accordance with law; and

c. the maintenance does not expand the roadway, lawn, landscaping, ditch, culvert or other improved area being maintained.

14. If a culvert is used by salmonids or conveys water used by salmonids and there is no adopted farm management plan, the maintenance is limited to removal of sediment and debris from the culvert and its inlet, invert and outlet and the stabilization of the area within three feet of the culvert where the maintenance disturbed or damaged the bank or bed and does not involve the excavation of a new sediment trap adjacent to the inlet.

15. If used by salmonids, only in compliance with an adopted farm plan in accordance with K.C.C. Title 21A and only if the maintenance activity is inspected by:

a. The King Conservation District;

b. King County department of natural resources and parks;

c. King County department of development and environmental services; or

d. Washington state Department of Fish and Wildlife.

16. Only if consistent with an adopted farm plan in accordance with K.C.C. Title 21A.

17. Only if:

- 173 a. consistent with a farm plan in accordance with K.C.C. Title 21A; or
- 174 b. conducted in accordance with best management practices in the Natural Resource
- 175 Conservation Service Field Office Technical Guide.
- 176 18. In accordance with a franchise permit.
- 177 19. Only within the roadway in accordance with a franchise permit.
- 178 20. Allowed if:
- 179 a. conducted by a public agency;
- 180 b. there is no linear extension of the facility from the existing conditions;
- 181 c. there is no waterward extension of the facility from the existing conditions;
- 182 d. done in accordance with the Regional Road Maintenance Guidelines;
- 183 e. done in accordance with the adopted King County Flood Hazard Reduction Plan
- 184 and Washington state Integrated Stream Protection Guidelines; and
- 185 f. monitoring is conducted for three years following maintenance or repair and an
- 186 annual report is submitted to the department.
- 187 21. Only if:
- 188 a. the activity is not part of a mitigation plan associated with another development
- 189 proposal or is not corrective action associated with a violation; and
- 190 b. the activity is sponsored or co-sponsored by a public agency that has natural
- 191 resource management as its primary function or a federally-recognized tribe, and the activity is
- 192 limited to:
- 193 (1) revegetation of the critical area and its buffer with native vegetation or the
- 194 removal of noxious weeds or invasive vegetation;

(2) placement of weirs, log controls, spawning gravel, woody debris and other specific salmonid habitat improvements;

(3) hand labor except:

(a) the use of riding mower or light mechanical cultivating equipment and herbicides or biological control methods when prescribed by the King County noxious weed control board for the removal of noxious weeds or invasive vegetation; or

(b) the use of helicopters or cranes if they have no contact with or otherwise disturb the critical area or its buffer.

22. If done with hand equipment and does not involve any clearing.

23. Limited to removal of vegetation for forest fire prevention purposes in accordance with best management practices approved by the King County fire marshal.

24. Limited to the removal of downed trees.
(Ord. 15053 § 3, 2004).

SECTION 5. 16.82.052 Temporary permits. A. The director shall have the authority to issue temporary permits for excavations, processing, quarrying and mining, and removal of sand, gravel, rock and other natural deposits, together with the necessary buildings, apparatus or appurtenances incident thereto for specific jobs on application for highway, road, street, airport construction, flood control and other public works projects. In conjunction with such operations, allied uses such as, but not limited to, rock crushers, concrete-batching plants and asphalt-batching plants may be authorized by this temporary permit. The director shall also have the authority to issue temporary permits for the removal of existing stockpiles of previously mined materials for the reclamation of land to its best use, consistent with the underlying zoning.

((A-)) B. The department of development and environmental services shall consider the effect of the proposed operation on the county road system and any effect it may have on surface or groundwater drainage and flood control, and shall make such recommendations as are necessary to protect the public interest in this regard.

((B-)) C. The department of development and environmental services shall also consider the effect of the proposed operation on the current and future land use in the area affected by the proposed operation and shall condition permits as necessary to protect the public interest in this regard. Temporary permits are good for the life of the contract of the specific job but must be reviewed annually. Each temporary permit((s)) site shall be fully restored during the term of the temporary permit, unless the site is subsequently designated with an M zone classification((, or included in an unclassified use permit.

~~C. Development proposals will be subject to two levels of review standards based on occupancy types, critical facilities and standard structures. The review standards for critical facilities will be based on larger earthquake reoccurrence intervals than the earthquakes considered for standard occupancy structures. The review standards will be set forth in the administrative rules)). (Ord. 14259 § 4, 2001).~~

SECTION 6. 16.82.100 Grading standards. A person conducting a grading activity shall comply with the following standards:

A. Cuts and fills shall conform to the following provisions unless otherwise approved by the department:

1. A slope of cut and fill surfaces shall not be steeper than is safe for both the intended use and soil type and shall not exceed two horizontal to one vertical;

239 2. All disturbed areas including faces of cuts and fill slopes shall be prepared and
240 maintained to control erosion in compliance with K.C.C. 16.82.095;

241 3. The ground surface shall be prepared to receive fill by removing unsuitable material
242 such as concrete slabs, tree stumps, brush, car bodies and other materials as determined by the
243 department;

244 4. Except in an approved sanitary landfill or as part of engineered fill, fill material shall
245 meet the following standards:

246 a. Fill material shall consist of earthen material, organic material or recycled or
247 reprocessed materials that are not categorized as dangerous waste under Title 173 WAC and that
248 were produced originally from an earthen or organic material;

249 b. Fill material shall have a maximum dimension of less than twelve inches;

250 c. Recycled concrete shall be free of rebar and other materials that may pose a safety
251 or health hazard;

252 d. Recycled asphalt shall not be used in areas subject to exposure to seasonal or
253 continual perched ground water, in a critical aquifer recharge area or over a sole-source aquifer;
254 and

255 e. Recycled materials that have not been reprocessed to meet the definition of
256 common borrow shall be intermixed with well-graded, natural, earthen materials in sufficient
257 quantities and of a suitable size to assure filling of all voids and to assure that the fill can be
258 compacted to ninety percent of the maximum density;

259 5. Provisions shall be made to:

260 a. prevent any surface water or seepage from damaging the cut face of any excavation
261 or the sloping face of a fill; and

b. address any surface water that is or might be concentrated as a result of a fill or excavation to a natural watercourse in accordance with K.C.C. chapter 9.04 and the Surface Water Design Manual;

6. Benches and any swales or ditches on benches shall be designed in accordance with the King County Surface Water Design Manual;

7. The tops and the toes of cut and fill slopes shall be set back from property boundaries and structures as far as necessary:

a. for the safety of the adjacent properties;

b. for adequacy of foundation support;

c. to prevent damage resulting from water runoff or erosion of the slopes; and

d. to preserve the permitted uses on the adjacent properties; and

8. All fill shall meet the following:

a. Fill greater than three feet in depth shall be engineered and compacted to accommodate the proposed use unless a notice on title documenting the location of the fill is recorded and the fill is sufficiently stable to not pose a hazard; and

b. Any fill in the floodplain shall, from the face of the fill to a horizontal distance of six feet back from the face, meet the compaction requirements for pond embankments in the Surface Water Design Manual, unless determined by the department that inundation is not a threat to fill integrity or that other requirements necessary for compliance with the King County Guidelines for Bank Stabilization (Surface Water Management 1993) are met.

B. Access roads to grading sites shall be:

1. Maintained and located to the satisfaction of the King County department of transportation to minimize problems of dust, mud and traffic circulation;

2. Located where the permanent access to the site is proposed in the permit application to minimize site disturbance; and

3. Controlled by a gate when required by the department.

C. Signs warning of hazardous conditions, if determined by the department to exist on a particular site, shall be affixed at locations as required by the department.

D. Where required by the department, to protect life, limb and property, fencing shall be installed with lockable gates that must be closed and locked when not working on the site. The fence shall be no less than six feet in height and the fence material shall have no opening larger than two inches.

E. Rocks, dirt, mud, vegetation and any other materials used or produced on-site in the course of permitted activities shall not be spilled onto or otherwise left on public roadways or any off-site property not specifically authorized as a receiving site under a valid permit.

F. The duff layer and native topsoil shall be retained in an undisturbed state to the maximum extent practicable. Any duff layer or topsoil removed during grading shall be stockpiled on-site in a designated, controlled area not adjacent to public resources and critical areas. The material shall be reapplied to other portions of the site where feasible.

G.1. Except as otherwise provided in subsection G.2. of this section, areas that have been cleared and graded shall have the soil moisture holding capacity restored to that of the original undisturbed soil native to the site to the maximum extent practicable. The soil in any area that has been compacted or that has had some or all of the duff layer or underlying topsoil removed shall be amended to mitigate for lost moisture-holding capacity. The amendment shall take place between May 1 and October 1. ((Replaced)) The topsoil layer shall be a minimum of eight inches thick, unless the applicant demonstrates that a different thickness will provide conditions

equivalent to the soil moisture-holding capacity native to the site. ~~((Replaced))~~ The topsoil layer shall have an organic matter content of between ~~((eight to thirteen))~~ five to ten percent dry weight and a pH suitable for the proposed landscape plants. When feasible, subsoils below the topsoil layer should be scarified at least four inches with some incorporation of the upper material to avoid stratified layers. Compost used to achieve the required soil organic matter content must meet the definition of “composted materials” in WAC 173-350-220.

2. This subsection does not apply to areas that:

- a. Are subject to a state surface mine reclamation permit; or
- b. At project completion are covered by an impervious surface, incorporated into a drainage facility or engineered as structural fill or slope. (Ord. 15053 § 10, 2004: Ord. 13190 § 4, 1998: Ord. 3108 § 8, 1977: Ord. 1488 § 11, 1973).

NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 16.82 a new section to read as follows:

Relocating areas subject to clearing limits.

A property owner who controls two or more adjacent lots subject to clearing limits under K.C.C. 16.82.150 may relocate the area that is required to remain undeveloped on each individual lot into a single location on one or more of the lots as follows:

- A. The total area subject to clearing limits shall not be decreased;
- B. Areas within critical areas and critical area buffers cannot be relocated;
- C. The relocated area shall be situated in a manner that minimizes fragmentation of wildlife habitat and maximizes protection of critical areas and prevention of flooding, erosion, and groundwater impacts based on site characteristics, including topography and soils;

D. The relocated area is subject to the provisions of this chapter governing allowable activities within areas subject to clearing limits; and

E. The property owner shall record a notice on title that identifies the relocated area subject to the clearing limits.

SECTION 8. 16.82.150 Clearing standards for individual lots in the rural zone.

A. Except as otherwise provided in this section, in the RA zone the following standards apply to clearing on individual lots:

1. For lots one and one-quarter acre or smaller:

a. clearing shall not exceed the greater of:

(1) the amount cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations;

(2) fifty percent of the lot area; or

(3) seven thousand square feet.

b. any clearing required for the construction of access, utilities and septic systems shall not be counted towards the amount of clearing allowed under this subsection;

2. For lots greater than one and one-quarter acres and up to five acres in area, clearing shall not exceed the greater of:

a. the amount legally cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations; or

b. fifty percent of lot area;

3. For lots greater than five acres, clearing shall not exceed the greater of:

a. the amount legally cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations;

b. two and one-half acres, or

c. thirty-five percent of lot area; and

4. For lots greater than one and one-quarter acre in either the Bear Creek basin, the Issaquah Creek basin and the May Creek basin, clearing shall not exceed the greater of:

a. the amount legally cleared before January 1, 2005, or cleared under a complete clearing permit application filed before October 25, 2004, in accordance with previous county regulations; or

b. thirty-five percent of lot area;

B. The standards in subsection A. of this section shall not apply if more restrictive standards apply through:

1. The Critical Areas Code, K.C.C. chapter 21A.24, and its adopted public rules;

2. Property-specific development standards or special district overlays under K.C.C. chapter 21A.38; or

3. Critical drainage area designations identified by adopted public rule.

C.1. If there is an approved and current rural stewardship plan or farm management plan under K.C.C. chapter 21A.24, the maximum amount of clearing allowed under this section is established by the rural stewardship plan or the farm management plan;

2. Subsection A. of this section does not apply to a lot within a subdivision or short subdivision:

a. Approved with clearing restrictions in accordance with K.C.C. 16.82.152; or

b. In the Bear Creek, Issaquah Creek or May Creek basins that was approved with clearing restrictions in accordance with this section as it existed prior to January 1, 2005;

3. On a lot within a subdivision or short subdivision that is not covered by subsection C.2. of this section, any land located in an open space tract created as part of the subdivision or short subdivision shall be credited to the individual lots in the subdivision or short subdivision on a prorated basis according to the size of each lot in relation the entire area of the subdivision or short subdivision;

4. The area within (~~((critical areas and critical area))~~) landslide or steep slope hazard areas, wetlands, aquatic areas and buffers(~~((, except for critical aquifer recharge areas,))~~) for these critical areas may be counted towards meeting the requirements of subsection A. of this section;

5. Clearing in areas encumbered by a utility corridor, or easement for a public road or trail rights-of-way or an access easement shall not be counted toward the cleared area limit;

6. Clearing standards for mining uses shall be determined through the clearing and grading permit review process; and

7. Clearing that is the minimum necessary to provide for the relocation of equestrian community trails shall not be counted towards the cleared area limit.

D. The director may modify or wave subsection of this section for a development proposal that meets the following conditions:

1. The development proposal consists of one or more of the following uses:

a. government services listed in K.C.C. 21A.08.060;

b. educational services listed in K.C.C. 21A.08.050;

c. parks as listed in K.C.C. 21A.08.040 when located adjacent to an existing or proposed school;

d. libraries listed in K.C.C. 21A.08.040; and

e. road projects that are not part of a larger development proposal;

2. The development proposal site is not located in a designated regionally significant resource area, except for utility or road corridors for which the applicant demonstrate that there is no feasible alternative or that the development proposal is within an existing maintained corridor. If only a portion of the project is located within a designated regionally significant resource area, this subsection applies to that portion of the project located outside of the designated regionally significant resource area; and

3. To the maximum extent practical, the project locates structures in already cleared areas of the site and clears the minimum necessary to accommodate the proposed use which includes all the allowed ballfields, playfields, other facilities, and spaces proposed by the public agency to carry out its public function.

E. The standards of this section shall be established at the time of permit application. The area required to remain uncleared shall be designated on the site plan approved by the department.

F. Areas that are required to remain uncleared under this section shall be maintained by the property owner as a resource area. The uses permitted in the resource area shall not prevent the long-term purpose of the resource area to promote forest cover and shall include uses such as:

1. Except in areas regulated by a source described in subsection B.3. of this section, forest practices in accordance with a county-approved forest management plan;

2. Passive recreation uses and related facilities, including pedestrian, equestrian community and bicycle trails, nature viewing areas, fishing and camping areas, and other similar uses that do not require permanent structures, if:

a. clearing and soil compaction associated with these uses and facilities does not exceed eight percent of the area of the resource area; and

b. within wildlife habitat corridors, trail widths shall be the minimum allowed under adopted trail standards and no other recreation uses shall be permitted in an area of the corridor at least one hundred fifty feet in width;

3. Utilities and utility easements, including surface water facilities, if the facilities are within or adjacent to existing road or utility easements to the maximum extent practical;

4. Pruning or removing hazard trees or removing downed trees;

5. Reducing the danger from wildfire by following best management practices approved by the King County fire marshal;

a. removal of limbs within ten feet of the ground to prevent movement of fire from ground level to treetops; and

b. removal of dead trees or branches overhanging a residence; and

6. Removal of noxious or invasive vegetation.

G. Before approving a development permit application for a parcel that has been cleared in violation of the clearing standards in effect at the time of the clearing, the department shall require the applicant submit to the department and implement a restoration plan to restore trees, understory vegetation and soil to support and maintain the native vegetative cover on the percentage of the site that was to remain uncleared under this section. If the clearing is in violation of the six-year moratorium on permitting established in K.C.C. 16.82.140, the department may determine whether the restoration plan is sufficient to mitigate for the impacts resulting from the clearing violation. (Ord. 15053 § 14, 2004: Ord. 14199 § 224, 2001: Ord. 14259 § 5, 2001: Ord. 14091 § 2, 2001: Ord. 13190 § 5, 1998: Ord. 12822 § 4, 1997: Ord.

445 12380 § 7, 1996: Ord. 12016 § 3, 1995: Ord. 12015 § 3, 1995: Ord. 11886 § 3, 1995: Ord.
446 11618 § 7, 1994: Ord. 9614 § 103, 1990).

447 **SECTION 9. 16.82.152 Clearing standards for subdivisions and short subdivisions**
448 **in the rural residential zone.**

449 A. Except as otherwise provided in this section, the following standards apply to clearing
450 allowed in subdivisions and short subdivisions in the RA zone:

451 1. Clearing shall not exceed thirty-five percent of the area of the subdivision and short
452 subdivision; and

453 2. The area remaining uncleared shall be:

454 a. shown on the face of the recorded plat map to delineate where the uncleared area is
455 to remain on each lot; and

456 b. marked with at least one sign per buildable lot adjoining the area indicating that the
457 area is a permanent resource management area.

458 B. The standards in subsection A. of this section shall not apply if more restrictive
459 standards apply through:

460 1. Property-specific development standards pursuant to K.C.C. chapter 21A.38; or

461 2. Critical drainage area designations identified by adopted administrative rule.

462 C. If sixty-five percent or more of the site is ~~((in critical areas and critical area buffers))~~
463 set aside in a critical area tract as required under K.C.C. chapter 21A.24, this section does not
464 apply.

465 D. Clearing to provide for the relocation of equestrian community trails shall not be
466 counted towards the cleared area limit.

E. The department may allow an increase in the amount of clearing up to fifty percent of the site area of a subdivision or short subdivision if the area to remain uncleared:

1. Is placed in a separate resource tract that is:

a. separately identified from critical area tracts on the face of the recorded plat map;
and

b. retained by the subdivider, conveyed to residents of the subdivision, or conveyed to a third party;

2. Is situated in a manner that minimizes fragmentation of wildlife habitat or that maximizes protection of critical areas and prevention of flooding, erosion, and groundwater impacts based on site characteristics, including topography and soils; and

3. Complies with either of the following:

a. A reforestation plan for the tract is approved and implemented, if the tract has been legally harvested, or

b. One or more of the following habitats is preserved that is not contained within another critical area or critical area buffer:

(1) cave;

(2) old-growth forest;

(3) mature forest;

(4) area that has an abundance of snags;

(5) talus slope;

(6) breeding habitat for a species that the county should protect under the King County Comprehensive Plan;

(7) foraging habitat for any species that the county shall protect or should protect under the King County Comprehensive Plan; or

(8) a vegetated corridor that connects critical areas, priority habitat areas, designated regionally or locally significant resource areas, and other areas of high wildlife value.

F. The approval of a subdivision or short subdivision application for a parcel that has been cleared in violation of the regulations in effect at the time of the clearing shall require the restoration of trees, understory vegetation and soil to support and maintain native vegetation cover on the percentage of the site that was to remain uncleared under this section. The applicant shall submit to the department a restoration plan. If the clearing is in violation of the six-year moratorium on permitting authorized in K.C.C. 16.82.140, the department may determine whether the restoration plan is sufficient to mitigate for the impacts resulting from the clearing violation.

G. The ~~((uses permitted within a resource land tract))~~ area required to remain uncleared under this section shall be ~~((limited))~~ maintained as a resource area as provided in K.C.C. 16.82.150.F. (Ord. 15053 § 15, 2004).